UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,089	10/23/2001	William A. Fischer	10017888 -1	9254

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EXAMINER
TANG, KAREN C

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	10/004,089	FISCHER, WILLIAM A.
Office Action Summary	Examiner	Art Unit	
	Karen C. Tang	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 November 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17,24-27 and 33-36* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-17,24-27 and 33-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

- A request for continued examination under 37 CFR 1.114, including the fee set forth in
37 CFR 1.17(e), was filed in this application after final rejection. Since this application is
eligible for continued examination under 37 CFR 1.1 14, and the fee set forth in 37 CFR
1.17(e) has been timely paid, the finality of the previous Office action has been
withdrawn pursuant to 37 CFR 1.1 14. Applicant's submission filed on 11/07/05 has been
entered.

- Claims 1-17, 24-27, and 33-36 are presented for further examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 1-13, 16, 17, 24-27 and 33-36 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Fernandez et al hereinafter Fernandez (US 6,697,103) in view of Kelly et al

(US 6,138,168) hereinafter Kelly.

1. Referring to Claim 1, Fernandez disclosed a method of configuring a user interface of

computer-assisted equipment (4, refer to Fig 2 and Col 5, Lines 1-60) according to a service

program, comprising the steps of: said computer-assisted equipment transmitting (46, refer to Fig

2, and Col 5) a message to a remote computer (server, refer to Col 5), said determining being

based on said message (java applets, refer to Col 5, Lines 13-17),

and said remote computer transmitting said service program to said computer assisted equipment (refer to Col 5, Lines 1-20);

and said computer – assisted equipment configuring the user interface of said computer-assisted equipment (it is well know that the applet provides the configuration i.e. configuring the user interface once being downloaded, refer to Col 5).

Fernandez disclosed said remote computer conveying at least one interface instruction that allows said computer-assisted equipment to cooperate with said remote computer in accordance with said service program (refer to Col 6, Lines 50-67 and Col 7, 8, and 9).

Fernandez does not expressly disclosed the computer determine that service program available on the computer is suitable for usage with computer assisted equipment.

Kelly disclosed the computer determine that service program available on the computer is suitable for usage with computer assisted equipment (refer to Col 3, Lines 15-55, Col 4, Lines 8-25)

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the ideas Fernandez and Kelly because both inventions is utilizing for electronic transaction processing (refer to Col 8 in Fernandez).

The suggestion/motivation for doing so would have been Fernandez indicated there are communication between the remote computer and computer-assisted equipment (refer to Col 10, Lines 50-67) and by providing methods of determining the suitability of the software on the computer-assisted equipment, it reduce the chance and trouble of software incompatibility.

2. Referring to Claim 33, Fernandez disclosed one or more computer-readable media having

computer-readable instructions thereon which, when executed by a computer (refer to Col 2,

Lines 65-67 and Col 3, Lines 1-30), cause the computer to perform a method comprising the

steps of:

receiving a service query from a computer-assisted appliance (Col 6, Lines 50-67), said service

program configuring the interface of said computer-assisted appliance (refer to Col 5, Lines 1-

35, and Col 6, Lines 40-50),

and receiving information from said computer-assisted appliance (refer to Col 5, Lines 35-60),

said information being conveyed from said interface and resulting from a user interacting with

said interface (it is well know that the applet provides the configuration i.e configuring the user

interface once being downloaded, refer to Col 5, Col 6, Lines 50-67 and Col 8, Lines 1-11).

Fernandez does not expressly disclosed the computer determine that service program available

on the computer is suitable for usage with computer assisted equipment.

Kelly disclosed the computer determine that service program available on the computer is

suitable for usage with computer assisted equipment (refer to Col 3, Lines 15-55, Col 4, Lines 8-

25)

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to

combine the ideas Fernandez and Kelly because both inventions is utilizing for electronic

transaction processing (refer to Col 8 in Fernandez).

The suggestion/motivation for doing so would have been Fernandez indicated there are

communication between the remote computer and computer-assisted equipment (refer to Col 10,

Lines 50-67) and by providing methods of determining the suitability of the software on the

computer-assisted equipment, it reduce the chance and trouble of software incompatibility.

3. Referring to Claim 24, Fernandez disclosed in a remote computer (6), a method for

cooperating with computer- assisted equipment (4, refer to Fig 2), comprising the steps of:

receiving a request for service from said computer-assisted equipment (refer to Col 5, Lines 60-

67).

transmitting said interface instruction to said computer-assisted appliance (refer to Col 8, Lines

1-30);

Fernandez disclosed said interface instruction that allows said computer-assisted equipment to

cooperate with said remote computer in accordance with said service program (refer to Col 6,

Lines 50-67 and Col 7, 8, and 9)

cooperating with said computer assisted appliance in accordance with said service program (Col

8, and Col 9, Lines 1-10), wherein said service program configures the user interface of said

computer-assisted equipment (it is well know that the applet provides the configuration i.e.

configuring the user interface once being downloaded, refer to Col 5, and 3).

Fernandez does not expressly disclosed the computer determine that service program available

on the computer is suitable for usage with computer assisted equipment.

Kelly disclosed the computer determine that service program available on the computer is

suitable for usage with computer assisted equipment (refer to Col 3, Lines 15-55, Col 4, Lines 8-

25)

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the ideas Fernandez and Kelly because both inventions is utilizing for electronic transaction processing (refer to Col 8 in Fernandez).

The suggestion/motivation for doing so would have been Fernandez indicated there are communication between the remote computer and computer-assisted equipment (refer to Col 10, Lines 50-67) and by providing methods of determining the suitability of the software on the computer-assisted equipment, it reduce the chance and trouble of software incompatibility.

4. Referring to Claims 2, Fernandez disclosed wherein said computer-assisted equipment provides entertainment (refer to Col 9, Lines 35-67 and Col 10 and 16).

5. Referring to Claim 3, Fernandez disclosed wherein said computer-assisted equipment is an audio reproduction system (refer to Col 10, Lines 50-61).

6. Referring to Claim 4, Fernandez disclosed wherein said computer-assisted equipment (4, refer to Fig 2) is a remote control device (refer to Col 7, Lines 14-25) that controls functions of a video entertainment system (refer to Col 7, Lines 5-15), said video entertainment system receiving content from said remote computer (refer to Col 10, Lines 15-25).

7. Referring to Claim 5, Fernandez disclosed wherein said determining step includes said remote computer informing said computer-assisted equipment (4, refer to Fig 2) that at least one additional service program is available (refer to Col 10, Lines 15-25), said computer-assisted

equipment selecting from among said service program and said at least one additional service program (refer to Col 10, Lines 25-35).

8. Referring to Claim 6, Fernandez disclosed additionally comprising said remote computer (6) receiving a selection from said computer-assisted equipment (4, refer to Fig 2), said selection indicating which of said service program and said at least one additional service program a user has selected (refer to Col 10, Lines 25-36).

9. Referring to Claim 7, Fernandez disclosed wherein said remote computer (6, Fig 2) is a general- purpose computer (refer to Col 8, Lines 20-30).

10. Referring to Claim 8, Fernandez disclosed wherein said message (communication) is a service request that indicates that said computer-assisted equipment (4, refer to Fig 2) is ready to operate cooperatively with said remote computer (6, Fig 2, and refer to Col 5, Lines 60-67 and Col 6, Lines 1-60).

11. Referring to Claim 9, Fernandez disclosed further comprising said remote computer (6, refer to Fig 2) transmitting content to said computer-assisted equipment (4, refer to Fig 2) under the control of said service program (refer to Col 6, Lines 40-60).

12. Referring to Claim 10, Fernandez disclosed in a computer-assisted appliance (4, refer to Fig 2), a method for interacting with a remote computer that executes a service program (refer to Col

5, Lines 60-67), comprising the steps of: transmitting a service request to said remote computer

(communication 161 and mapping information 162), receiving an interface instruction that

allows said computer-assisted equipment to cooperate with said remote computer in accordance

with said service program (refer to Col 6, Lines 50-67 and Col 7, 8, and 9); and

transmitting a user input to said remote computer in accordance with said interface instruction

(user instruction, refer to Col 6, Lines 50-67), and receiving content from said remote computer

in response to said interface instruction (provide data, report information, 168, refer to Col 6,

Lines 1-5) and said computer-assisted appliance configuring the user interface of the computer-

assisted appliance (it is well know that the applet provides the configuration i.e configuring the

user interface once being downloaded, refer to Col 5, and Col 3),

13. Referring to Claim 12, Fernandez disclosed wherein said remote computer is one of a

portable and a desktop computing device (refer to Col 8, Lines 20-30).

14. Referring to Claim 13, Fernandez disclosed wherein said appliance is an audio system (refer

to Col 7, Lines 5-15) that conveys music, and wherein said content includes a music file (audio

information, refer to Col 11, Lines 30-35 and Col 14, Lines 45-60).

15. Referring to Claim 11, Fernandez disclosed wherein said service request includes an

indication that said computer-assisted appliance (4, refer to Fig 2) is available and is ready to

receive said service program (66, refer to Fig 2).

16. Referring to Claim 25, Fernandez disclosed wherein said determining step includes receiving

a selection as to which service program (web site) has been selected (refer to Col 9, Lines 1-10)

by a user of said computer-assisted equipment (4, refer to Fig 2).

17. Referring to Claim 16, Fernandez disclosed wherein said service program (66, refer to Col 5,

Lines 60-67) influences the function of a display located on said computer-assisted appliance (4,

refer to Fig 2 and Col 8, Lines 1-12).

18. Referring to Claim 17, Fernandez disclosed wherein said service program (66, refer to Col 5,

Lines 60-67) influences a function of a remote control device (6, refer to Fig 2) used to control

an entertainment device (4, refer to Fig 2).

19. Referring to Claim 26, Fernandez disclosed wherein said remote computer (6, refer to Fig 2)

is interfaced to a network and wherein said remote computer communicates with a network

location available on said network (refer to Col 2, Lines 22- 51, and Col 15, Lines 1-31).

20. Referring to Claim 27, Fernandez disclosed wherein said transmitting step is accomplished

by way of transmitting said interface instruction using a wireless interface (cellular phone is a

wireless device which consists of a wireless interface, refer to Col 8, Lines 1-20).

21. Referring to Claim 34, Fernandez disclosed one or more computer-readable media (Internet

Browser, refer to Col 8, Line 33), wherein said receiving a service query step includes receiving

an indicator that informs said computer of a function performed by said computer-assisted

appliance (refer to Col 7, Lines 45-67 and Col 8, Lines 1-45).

22. Referring to Claim 35, Fernandez disclosed one or more computer-readable media (Internet

Browser, refer to Col 8, Line 33), wherein said determining step includes said computer

searching through a list of service programs (Fernandez indicates that the computer has ability

search through a list of websites, which is a list of service programs refer to Col 9, Lines 1-10).

23. Referring to Claim 36, Fernandez disclosed one or more computer-readable media (Internet

Browser, refer to Col 8, Line 33), wherein said method further comprises said computer-assisted

appliance prompting said user for said input (refer to Col 8, Lines 1-11).

Claim Rejections - 35 USC § 103

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Fernandez et al hereinafter Fernandez in view of in view of Kelly et al (US 6,138,168)

hereinafter Kelly in further view of Murakoshi et al (US 6,850,971) hereinafter Murakoshi.

1. Referring to Claim 14, Fernandez disclosed indicates the user input (refer to Col 8, Lines 1-

11)

Fernandez does not expressly indicate input is a selection of a title of said music file.

Murakoshi disclosed a selection of a title of said music file (refer to Col 8, Lines 44-67 and Col

9, Lines 1-10)

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to

combine Fernandez, Kelly and Murakoshi by implement a selection of a title music file.

The suggestion and motivation for doing so would have been that Fernandez indicates the remote

computer (6) would receive data music (refer to Col 14, Lines 45-60). By providing such a

service to user, it would be provides a variety of choice for users that users can choose the

desired files.

2. Referring to Claim 15, Fernandez disclosed wherein said service program (66) includes

instructions (executable) that enable (refer to Col 5, Lines 60-67) said audio system (refer to Col

7, Lines 5-15).

Fernandez does not expressly indicate a selection of a title of said music file.

Murakoshi disclosed a selection of a title of said music file (refer to Col 8, Lines 44-67 and Col

9, Lines 1-10)

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to

combine Fernandez, Kelly and Murakoshi by implement a selection of a title music file.

The suggestion and motivation for doing so would have been that Fernandez indicates the remote

computer (6) would receive data music (refer to Col 14, Lines 45-60). By providing such a

service to user, it would be provides a variety of choice for users that users can choose the

desired files.

Response to Arguments

Applicant's arguments filed 11/07/05 have been fully considered but they are not persuasive and are mooted in view of new ground of rejection.

Conclusion

A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KT

LARRY D. DONAGHUE
PRIMARY EXAMINER